

**REMARKS**

Claims 1 and 3-17 are pending in this application. By this Amendment, claims 1, 3, 6, 10, 13 and 15-17 are amended. Claims 2 and 18 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. No new matter is added. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration because they incorporate the features of former dependent claims; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. Summary of Interviews with Examiners**

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Walsh in the August 30 personal interview. Further, Applicants appreciate the courtesies shown to Applicants' representative by Examiner Maung and by Examiner Walsh in separate telephone interviews held on October 11. Applicants' separate record of the substance of these interviews is incorporated into the following remarks.

Specifically, claim 1 is amended to include the features of claim 2, as discussed with Examiner Walsh during the August 30 personal interview. Claims 16 and 17 are further amended to remove phrases objected to by the Office Action and to correct minor

informalities to improve clarity. Claims 1, 3, 6, 10, 13 and 15 are amended to correct minor informalities and to improve clarity.

Further, claims 1 and 16 are amended, as recommended by Examiner Maung during the October 11 telephone interview, to address the rejection under 35 U.S.C. §101.

Specifically, claim 1 is amended to clarify that the method of claim 1 is executed by a computer system and claim 16 is amended to clarify that the program instructions of claim 16 are executed on a data processing device. Examiner Maung stated that he believed claim 17 did raise any issues under 35 U.S.C. §101.

The amendments to claims 16 and 17 no longer include features of canceled claim 2, previously included in the AAFR filed September 13. These changes in the amendments to claims 16 and 17 are made in response to comments from both Examiner Maung and Examiner Walsh. Specifically, Examiner Maung stated that he did not believe such amendments were necessary to overcome a potential rejection under 35 U.S.C. §101, and Examiner Walsh stated the refusal to enter the amendments to the claims submitted in the AAFR filed September 13, was due to new issues raised by introducing these features to claims 16 and 17. Therefore, claims 16 and 17 are amended in a manner consistent with the comments of both Examiners.

## **II. Rejections Under 35 U.S.C §112, First Paragraph**

The Office Action rejects claims 16, 17 and 18 under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement.

Specifically, the Office Action acknowledges that the specification supports "a first code structure that is constructed from a plurality of first programming language code structure elements and said second code structure is constructed from a plurality of second programming language code structure elements, each second structure element corresponding

to one of said first structure elements;" however, the Office Action asserts that the specification does not support a further limitation that "the first programming language being different from the second programming language."

Claims 16 and 17 are amended and no longer recite the feature objected to by the Office Action and claim 18 is canceled.

For at least the foregoing reason, it is respectfully requested that the rejection of claims 16 and 17 under 35 U.S.C. § 112, first paragraph, be withdrawn.

### **III. §101 Rejection of Claims 1-15**

The Office Action rejects claims 1-15 under 35 U.S.C. §101, asserting that the claims are directed to non-statutory subject matter. Specifically, the Office Action asserts that the content of the claims is limited to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result.

During the August 30 personal interview, Examiner Walsh suggested, and Applicants' representative agreed, that if the independent claims were amended to include the features of original claim 2, that the 35 U.S.C. §101 would be overcome.

MPEP §2106 entitled, "Patentable Subject Matter-Computer-Related Inventions," states at page 2100-18, col. 1, lines 3-6, that in order for a computer-related process to be statutory, the claimed process must be limited to a practical application. Further MPEP §2106 states at 2100-18, col. 1, lines 13-17, that "[a] claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result; i.e., the method recites a step or act of producing something that is concrete, tangible and useful. See *AT&T*, 172 F.3d at 1358, 50 USPQ2d at 1452. Likewise, a machine claim is statutory when the

machine, as claimed, produces a concrete, tangible and useful result (as in *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601)."

As Applicants' representatives and Examiner Walsh agreed during the August 30 interview, independent claim 1, at least as amended to include the features of claim 2, meet the burden imposed by MPEP §2106. For example, claim 1 recites a method to be executed by a computer system for determining whether a computer-storable expression matches a filter, that includes, (1) evaluating a first code structure representing the expression for determining a value of said expression, (2) analyzing a second code structure representing the filter for determining the characteristics of the filter, and (3) filtering said value according to the filter characteristics, wherein the evaluating, analyzing and filtering result in the return of a boolean evaluation result value. The generated Boolean result is concrete, tangible and useful in that it may be shared with and/or used by other processes or may serve as a final output result. Further, the boolean result is concrete, tangible and useful in that it represents new content that did not previously exist, but was generated as a result of the claimed method.

Claims 3-15 depend from claim 1. Therefore, dependent claims 3-15 also recite practical applications that produce concrete, tangible and useful results.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-15 under 35 U.S.C. §101 are respectfully requested.

#### **IV. §102 Rejection of Claims 16 and 17**

The Office Action rejects claims 16 and 17 under 35 U.S.C. §102(e) as unpatentable over U.S. Patent No. 6,487,566 to Sundaresan. This rejection is respectfully traversed.

Claim 16 is directed to a storage medium that stores a set of program instructions executable on a data processing device and usable for determining whether a computer-

storable expression matches a filter, the instructions to be executed on said data processing device. The stored set of program instructions may include, among other features, (1) instructions for evaluating a first code structure representing the expression for determining a value of said expression, (2) instructions for analyzing a second code structure representing the filter for determining the characteristics of the filter, and (3) instructions for filtering said value according to the filter characteristics. Claim 16 further recites that (4) the first code structure is constructed from a plurality of first programming language code structure elements, (5) the second code structure is constructed from a plurality of second programming language code structure elements, and (6) that each second structure element corresponding to one of said first structure elements.

Support for the above features may be found throughout the original specification and claims. Specific support may be found at least at page 7, lines 16-26; page 8, lines 10-17; page 8, line 21 through page 9, line 12; page 13, lines 19-21; page 15, line 20-27; page 16, lines 10-22; and page 35, line 17-35.

The Office Action asserts that Sundaresan teaches in the Abstract, at line 6, and via Fig. 3, evaluating a first code structure representing the expression for determining a value of the expression and analyzing and that Sundaresan also teaches in the Abstract, at line 6, and via Fig. 3, analyzing a second code structure representing the filter for determining the characteristics of the filter, and filtering said value according to the filter characteristics. This is incorrect.

As discussed with Examiner Walsh during the August 30 personal interview, Sundaresan is directed to an XML transformation system based upon the use of string based pattern matching. In contrast, the specification of the present application describes searches that can be used to perform matching operations on various and arbitrary complex data

structures, such as strings, sequences, sets, dictionaries and records, but also on trees, DAGs (Directed Acyclic Graphics), general graphs, and combinations thereof.

For example, as described in Sundaresan at col. 6 lines 29-37, Sundaresan provides a pattern matching language, known as PML, that performs pattern matching and replacement functions for transforming any XML instance to any other XML instance. The PML pattern language is comprised of a sequence of rules expressed in XML, wherein each rule has four main components: (1) a source pattern, (2) a condition, (3) a target pattern, and (4) an action part. Further, as described in Sundaresan at col. 6, line 65 through col. 7, line 3, since PML is template-based, the source pattern represents an intended matching template pattern of an XML tree. Thus, structurally the source pattern looks like an XML tree, except for some annotations that are parameters in the pattern, which are filled in by actual subtrees when a matching XML tree is found.

Applicants assert that Sundaresan merely describes a system that uses string based pattern matching of a source string, e.g., a string representing an XML tree source pattern, against an XML tree template. Such string based, XML pattern matching does not require a wide range of complex subject elements and correspondingly wide range of complex filter elements, as described in the specification of the present application. Accordingly, Sundaresan does not teach or suggest (1) evaluating a first code structure representing an expression to determine a value of the expression, (2) analyzing a second code structure representing a filter to determine a characteristics of the filter, or (3) instructions for filtering said value according to the filter characteristics, as recited in claim 16.

For at least the reasons addressed above, Sundaresan cannot reasonably be considered to teach, or to have suggested, the combination of features recited in claim 16. Independent claim 17 recites features similar to those discussed above with respect to claim 16 and,

therefore, Sundaresan cannot reasonably be considered to teach, or to have suggested, the combinations of features recited in claim 17. Accordingly, reconsideration and withdrawal of the rejection of claims 16 and 17 under 35 U.S.C. §102(e) as unpatentable over Sundaresan are respectfully requested.

**V. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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